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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,955	08/21/2003	Kazuo Okada	3022-0020	6676
70432	7590	06/13/2007		
ALFRED A. STADNICKI 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209			EXAMINER SHAH, MILAP	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 06/13/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AStadnicki@antonelli.com  
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<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/644,955	Applicant(s) OKADA, KAZUO	
	Examiner Milap Shah	Art Unit 3714	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See "Response to Amendment" attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-10.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See "Response to Arguments" attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**ROBERT E. REZZUTO**  
**SUPERVISORY PRIMARY EXAMINER**

## DETAILED ACTION

### *Response to Amendment*

The Examiner submits that at least claim 5 in the proposed amendments require a further search and/or consideration based on a new combination of limitations.

### *Response to Arguments*

Applicant's arguments filed May 30, 2007, with respect to the restriction requirement, have been fully considered but they are not persuasive. The restriction requirement in the instant application is considered an "election by original presentation", which may come up during prosecution when an Examiner indicates that an Applicant has amended or filed new claims in such a way as to distinguish over the invention being prosecuted on the merits. In such cases, MPEP 821.03 acknowledged, in which the MPEP merely states to discuss the groupings and disclose why they are distinct (via a form paragraph disclosed in the MPEP). The Examiner respectfully submits that such an analysis was presented, reducing the restriction to a mandatory election of Invention I (claims 1-10) and it could have been seen obvious to one of ordinary skill in the art that claims directed to displaying images are patentably distinct from an apparatus as defined by original claims 1-10 and would have put added burden to an Examiner who would then be examining two inventions in a single application, and thus, additional explanation was not necessary based on the mandatory election requirement of an "election by original presentation". If such a full explanation is desired, a full explanation on the record may be given in the next communication upon Applicant's request. The Examiner, however, maintains a proper restriction was presented and hereby makes the restriction requirement final.

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Applicant's arguments filed May 20, 2007, with respect to claims 1, 2, & 5-10, have been fully considered but they are not persuasive.

The Applicant argues that the Examiner's secondary reference, Minoura, does not disclose or teach shielding so that a stopping order is indicated by executing a control such that a display area of a reel having the portion of symbols (i) is not shielded if that reel is to be stopped and (ii) is shielded if that reel is not to be stopped. The Examiner respectfully disagrees. As best read by the Examiner using the machine translation, it appears, figure 7 clearly shows three "STOP" images on the LCD overlaying the variable reels, in which it appears, the symbols are shielded until the that reel is selected to be stopped. The Applicant submits that paragraphs 0023-0026 disclose "after all reels have been stopped and if a big bonus has materialized by the display of a hit pattern, shielding is provided so that the hit pattern is emphasized". The Examiner interpretation of this disclosure and figure 7 combined is that each reel having the STOP image is shielded until the STOP image is selected to stop that particular rotating reel. Upon completion of the spin, all nine symbols are shown for a time period, then subsequent shielding is used to display only the hit-pattern. It appears that particular disclosure and at least figure 7 does not preclude the Examiner's interpretation.

Therefore, for at least the reasons given, the rejections in the outstanding Final Office Action mailed May 13, 2007 are hereby maintained.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.B.S.